

Sec. 49-249. Leakage, escape of water prohibited.

(a) No person shall permit the excess use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or irrigation distribution system for any period of time after such escape of water should have reasonably been discovered and corrected.

(b) No person shall willfully or negligently permit or cause the escape or flow of irrigation water in such quantity as to cause flooding, impede vehicular or pedestrian traffic, create a hazardous condition to such traffic, or cause damage to city rights-of-way through failure or neglect to properly operate or maintain any irrigation structure, delivery ditch, or waste ditch.

(c) Willfully or negligently fail to accept irrigation water after it has been ordered.

(d) Irrigate property in a manner which results in the overflow of irrigation waters.

(Ord. No. 3178, § 8, 10-5-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05)

Editor's note: It should be noted that § 5a, of Ord. No. 3621, adopted July 5, 2005, shall be effective Aug. 5, 2005.

Sec. 49-250. Violations.

(a) For a first violation of any provision of this section, the city shall issue a written notice of first violation and provide educational materials on water conservation, including a copy of the relevant provisions of this chapter, to the water user violating the provisions of this section. The city shall give the water user a reasonable period of time to correct the violation.

(b) For a second violation of any provision of this section, the city shall issue a written notice of second violation delivered by certified mail to the water user requiring correction of the violation within a reasonable period of time.

(c) For third violation of any provision of this section, the city shall issue a written notice of third violation to the water user imposing a fifty dollar (\$50.00) fine. The fine shall be added to the water user's account. Failure to pay any portion of a water user's account, including any fines imposed pursuant to this section, shall subject said account to termination of water service in accordance with the provisions of this section.

(d) For a fourth or subsequent violation of this section, the city shall impose a fine equal to twice the average monthly billing for the immediately preceding six-month period for the meter through which the wasted water was supplied. The fine shall be added to the water user's account. Failure to pay any portion of a water user's account, including any fines imposed pursuant to this section, shall subject said account to termination of water service. In addition to any fine imposed, the city may also terminate water service to the water user. The city shall not restore service until the general manager or the general manager's designee has determined that the water user has provided reasonable assurances that future violations of this chapter by such user will not occur. In addition, the general manager may require a security deposit.

(e) In addition to the remedies set forth above, the city may seize equipment, line, fountains and other devices which are operated in violation of this Code, until the fine is paid. The city may dispose of these items if the fine is not paid in six (6) months from the date the equipment was confiscated.

(Ord. No. 3178, § 8, 10-5-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05)

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